

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RICHARD MARTIN,

Plaintiff,

vs.

**JOBO'S, INC., d/b/a BJ Roosters,
ROBERT HAMILL, and JOHN
MOLINARI,**

Defendants.

Civil Action No. 1:13-cv-04242-RWS

**SUPPLEMENTAL MATERIALS FOR
JOINT CONSOLIDATED PRETRIAL ORDER**

20.

The following designated portions of the testimony of the persons listed below may be introduced by deposition:

Plaintiff: Plaintiff designates the following portions of the deposition of Shane Smith, October 5, 2015:

Page 4, line 5 through page 5, line 14
Page 6, line 20 through page 7, line 7
Page 7, line 21 through page 9, line 13
Page 9, line 16 through page 10, line 9
Page 11, line 20 through page 12, line 20
Page 13, line 1 through page 14, line 4
Page 16, line 15 through page 21 line 9
Page 22, line 18 through page 23, line 1
Page 24, line 1 through page 24, line 13

Page 25, line 11 through page 26, line 25
Page 27, line 9 through page 29, line 25
Page 32, line 5 through page 33, line 8
Page 34, line 11 through page 35, line 4
Page 37, line 24 through page 38, line 13
Page 39, line 21 through page 40, line 12

Plaintiff objects to the following portions, designated by Defendants, of the deposition testimony of Shane Smith:

None	
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Defendant: Defendants designate the following portions of the deposition of Shane Smith, October 5, 2015:

Page 35, line 22 through page 37, line 21
Page 28, line 12 through page 29, line 25
Page 30, line 12 through page 31, line 10
Page 33, line 9 through line 15
Page 22, line 18 through page 23, line 1

Defendants object to the following portions, designated by Plaintiff, of the deposition testimony of Shane Smith:

Page 9, line 16 through page 10, line 9	Irrelevant
Page 13, line 20 through page 14, line 4	Irrelevant
Page 16, line 15 through page 18, line 24	Irrelevant
Page 20, line 5 through page 21, line 9	Irrelevant
Page 27, line 9 through page 28, line 2	Irrelevant
Page 32, line 5 through page 33, line 8	Irrelevant; lack of personal knowledge

Attachment F-1

Plaintiff's list of all the witnesses and their addresses follows:

Plaintiff will call at trial:

1. Richard Lee Martin
c/o DeLong Caldwell Bridgers & Fitzpatrick, LLC
3100 Centennial Tower
101 Marietta Street, N.W.
Atlanta, GA 30303-2720

Plaintiff may call at trial:

Pursuant to redaction rules, home addresses will be exchanged between counsel.

1. Gary Drews
c/o DeLong Caldwell Bridgers & Fitzpatrick, LLC
3100 Centennial Tower
101 Marietta Street, N.W.
Atlanta, GA 30303-2720
2. Chad Rike
Decatur, GA
3. Jeremy Sheffield
Norcross, GA
4. Shane Smith
Ft. Lauderdale, FL
5. Terry Moody
Atlanta, GA
6. David Havener
Atlanta, GA

7. Adam Hollobaugh
Atlanta, Georgia

8. Lance Mardis
Atlanta, Georgia

Attachment F-2

Defendants' list of all the witnesses and their addresses follows:

Defendants will call at trial:

1. Robert Hamill
c/o J. Larry Stine, Esq.
Wimberly, Lawson, Steckel, Schneider & Stine, P.C.
Suite 400 – Lenox Towers
3400 Peachtree Road, N.E.
Atlanta, Georgia 30326

2. John Molinari
c/o J. Larry Stine, Esq.
Wimberly, Lawson, Steckel, Schneider & Stine, P.C.
Suite 400 – Lenox Towers
3400 Peachtree Road, N.E.
Atlanta, Georgia 30326

Defendants may call at trial:

1. Leslie Benish
Atlanta, Georgia 30306

2. David Havener
Atlanta, Georgia

3. Adam Hollobaugh
Atlanta, Georgia

4. Lance Mardis
Atlanta, Georgia

5. Terry Moody
Atlanta, Georgia

(For privacy reasons, contact information will be exchanged between counsel.)

Attachment G-1

Plaintiff's typed lists of all documentary and physical evidence that will be tendered at trial:

P's No.	OFFERED	MARK	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES
1				Form SSA-1826 Certified Itemized Statement of Earnings for Plaintiff (years 2010–2013)
2				Photos of bartender schedules
3				Transcript and video of deposition of Shane Smith, October 5, 2015 (and exhibits)
4				Assurant employee census
5				Bartender list
6				Bartender schedule printouts
7				Dancer Nightly Line-Up, 2011.4.7
8				Dancer Nightly Line-Up, 2011.5.21
9				Drews Arbitration Agreement
10				Group MMS
11				Text message from Molinari to Drews
12				Martin W-2
13				Heartland payroll, Q3, 2010
14				Tax and wage report, Q2–3 2010
15				Tax and wage report, Q1–4 2011
16				Payroll documents, 2012

P's No.	OFFERED	MARK	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES
17				Payroll documents, 2012 (2)
18				Tax and wage report, Q1–3 2013
19				Payroll documents, 2013
20				Martin earnings records, 2013
21				Moody earnings record, 2013
22				Letter from Robert Hamill dated September 5, 2010
23				Spreadsheet of Martin's scheduled hours
24				Spreadsheet of Martin's reconstructed hours
25				Spreadsheet of Martin's unpaid wages
26				Spreadsheet of Molinari's scheduled hours

Defendants' Objections to Plaintiff's Exhibits

<u>Exhibit No.</u>	<u>Objection(s)</u>
1	No objection.
2	Relevancy; authenticity.
3	Deposition transcripts are not evidence under the Federal Rules of Evidence. Object to portions on relevancy, lack of personal knowledge, speculative. The appropriate portions can be read into the record.
4	No objection.
5	No objection.
6	Relevancy.
7	No objection.
8	No objection
9	Relevancy.
10	Relevancy.
11	Relevancy.
12	No objection.
13	No objection.
14	No objection.
15	No objection.
16	No objection.
17	No objection.
18	No objection.

19	No objection.
20	No objection.
21	No objection.
22	Relevancy; authenticity.
23	Does not constitute substantive evidence; authenticity; hearsay; failure to establish an adequate foundation; inadmissible under FRE 1006 and/or 611; failure to disclose or provide a copy of the proposed exhibit.
24	Does not constitute substantive evidence; authenticity; hearsay; failure to establish an adequate foundation; inadmissible under FRE 1006 and/or 611; failure to disclose or provide a copy of the proposed exhibit.
25	Does not constitute substantive evidence; authenticity; hearsay; failure to establish an adequate foundation; inadmissible under FRE 1006 and/or 611; failure to disclose or provide a copy of the proposed exhibit.
26	Does not constitute substantive evidence; authenticity; hearsay; failure to establish an adequate foundation; inadmissible under FRE 1006 and/or 611; failure to disclose or provide a copy of the proposed exhibit.

Attachment G-2

Defendants' typed lists of all documentary and physical evidence that will be tendered at trial:

DS' NO.	OFFERED	MARK	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES
1				2010 Employment Tax Report
2				2011 Employment Tax Report
3				2012 Employment Tax Report
4				Wage Summaries for 5-2012, 8-2012, 11-2012
5				Payroll Journal for 12-2012 to 1-2013
6				Payroll Journal for 1-2013 to 9-2013
7				Employee Earnings Report for Richard Martin 2013
8				2013 Employment Tax Reports
9				3 rd Quarter 2013 Wage Report draft
10				Text message from Shane Smith to John Molinari

Plaintiff's Objections to Defendants' Exhibits

<u>Exhibit No.</u>	<u>Objection(s)</u>
1	No objection
2	No objection
3	No objection
4	No objection
5	No objection
6	No objection
7	No objection
8	No objection
9	No objection
10	Authenticity; relevancy